

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case No. 2:24-cv-14037-AMC

ALEKSEY TOVARIAN,

Plaintiff,

RUBIC, LLC,

Defendant.

JOINT DISCOVERY PLAN

Pursuant to the Court's Order Setting Discovery Status Conference [ECF No. 47], the parties submit this Joint Discovery Plan.

1. Estimated Valuation of the Case.

- a. Plaintiff's Response: Plaintiff will demonstrate that the statements are false and defamatory and caused damages to his firm and his reputation due to claims of false kickbacks, unethical conduct and violations of the law. Plaintiff seeks injunctive relief, which is difficult to value, however, Plaintiff has previously stipulated that the damages are less than \$75,000.00.
- b. Defendant's Response: Rubic contends that any statements in the report that are alleged to be "of and concerning" Plaintiff are not defamatory, and if they are capable of defamatory meaning that Plaintiff cannot demonstrate that the statements were false, the requisite degree of fault, or damages, among other things.

2. Subjects of Discovery Needed. The parties have already sought and will continue to seek information.

- a. Plaintiff: Plaintiff has issued discovery to Rubic about the underlying facts, editorial decisions, and publication of the reporting at issue.
- b. Defendant: Rubic has issued discovery to Plaintiff concerning his alleged damages, his allegations in the complaint surrounding Rubic's reporting, as well as his communications and financial records, which are relevant to Rubic's truth/substantial truth defense. Rubic also intends to subpoena the individual owners of TeachBK and the company itself for financial records and communications with Plaintiff.

3. Ability to Limit Discovery by Stipulation. At this time, the parties are not aware of any stipulations they intend to make to limit discovery but will work in good faith to do so.

4. Document Discovery Needed.

- a. Plaintiff: Plaintiff has sent Defendant a Request for Production, Interrogatories and Request for Admissions that are outstanding at this time due to Rubic's Motion to Stay Discovery pending Motion to Dismiss. Plaintiff would request discovery be answered and from there additional discovery will be sought as needed.
- b. Defendant: Rubic believes Plaintiff's business records, disciplinary records (if any), and communications relating to Plaintiff's claim that he has lost clients or business as a result of this reporting. Rubic also believes it needs communications and financial records relating to Plaintiff's relationship with TeachBK and its proprietors.

5. **ESI.** The parties agree to preserve and exchange relevant ESI in a convenient and cost-effective manner. The parties are unaware of any ESI issues presented by this case at this time.

6. **Need for Confidentiality Agreement/Protective Order.** Given that the discovery relates to financial and business information, the parties believe that a protective order is appropriate and will seek leave under Rule 26(c) for such an order.

7. **Depositions.**

- a. Plaintiff: Plaintiff intends to take the corporate deposition of the Defendant, as well as Nata Polynkova, the journalist for Rubic, regarding her source and all information gathered for the publication of the article defaming Plaintiff; and Kateryn Panova on her involvement in the publication of the article.
- b. Defendant: Rubic intends to depose Plaintiff, Rule 30(b)(6) designee(s) for TeachBK, the proprietors of TeachBK (Ilya Kiselev and Andrey Burtsev), Raisa Stepanova, and any individuals identified in response to Rubic's discovery to Plaintiff as to his alleged communications with Rubic's "agents" and as to his claim of lost clients/business.

8. **Issues About Claims of Privilege/Protection.** The parties do not presently foresee any issues regarding privilege and each party has been reminded about its respective obligation to preserve evidence.

Dated: April 2, 2025.

Respectfully submitted,

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